Inmate Access to Courts and Counsel

603.1 PURPOSE AND SCOPE

The purpose of this policy is to protect the constitutional rights of inmates to access the courts and legal counsel, while holding inmates accountable to the rules and regulations that govern conduct in this facility.

603.2 POLICY

It is the policy of this office that all inmates will have access to the courts and the ability to consult with legal counsel.

The Thurston County Sheriff’s Office Corrections Bureau will work in cooperation with Thurston County Superior and District Courts to ensure inmates appear before a Judge, via video camera, in the secure confines of the Video Court in the Thurston County Jail, for those authorized hearings and to ensure the inmates’ court proceedings occur in a timely manner.

603.3 INMATE ACCESS

Staff should not unreasonably interfere with inmates' attempts to seek counsel and where appropriate should assist inmates with making confidential contact with attorneys and authorized representatives.

Access to courts and legal counsel may occur through court-appointed counsel, attorney or legal assistant visits, telephone conversations or written communication. To facilitate access, this facility will minimally provide:

- Confidential attorney visiting areas that include the means by which the attorney and the inmate can share legal documents.
- Telephones that enable confidential attorney-client calls.
- Reasonable access to legal materials.
- A means of providing assistance through the court process by individuals trained in the law. This assistance will be available to illiterate inmates and those who cannot speak or read English or who have disabilities that would impair their ability to access.
- Writing materials, envelopes and postage for indigent inmates for legal communications and correspondence.

The Chief Deputy of Corrections shall be responsible for ensuring that information regarding access to courts and legal counsel and requesting legal materials or legal assistance is included in the inmate handbook that is provided during inmate orientation.

603.4 CONFIDENTIALITY

All communication between inmates and their attorneys is confidential, including telephone conversations, written communication, and video conferencing. The content of written attorney-

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client communication will not be reviewed or censored, but the documents may be inspected for contraband.

Outgoing and incoming legal correspondence shall be routed through staff, who have received special training in inspecting confidential documents and who are accountable for maintaining confidentiality. Incoming legal correspondence shall be opened in the presence of the recipient inmate. All inspections shall be completed in the presence of the inmate. Legal correspondence should not be digitally scanned, stored, or delivered electronically.

Inmates may seek the assistance of other inmates in writing writs and other legal correspondence to the courts when needed, subject to the security and safety needs of the inmates, staff, and the facility.

603.5 INMATE REQUEST FOR ASSISTANCE

Written materials addressing how an inmate can access local attorneys and key legal documents shall be available in each housing unit. Staff shall provide these materials to any inmate upon request. However, staff shall not provide legal advice or assist any inmate in the completion of any legal document.

Habeas corpus forms shall be made available to any inmate by the staff upon request.

Legal forms filled out by the inmate shall be forwarded to court administration directly or via an appointed legal assistant.

603.6 VISITATION RELATED TO LEGAL DEFENSE

Visits with inmates that are related to legal defense, including attorneys, paralegals, and investigators, will be permitted only in the areas designated for legal visitation or by way of video visitation to ensure confidentiality. Contact visits may be approved by the Chief Deputy of Corrections for special circumstances.

(a) Visits shall be of a reasonable length of time to discourage any allegation that the defense of the inmate was hindered due to the length of time allowed for the legally authorized visit. These visits shall be of such a length of time that they do not interfere with the security, order, and discipline of this facility. The permissible time for visitation should be flexible but shall not substantially interfere with other facility schedules, such as medical examinations, meal service or other required activities.

(b) Only materials brought to this facility by an approved legal assistant shall be allowed.

(c) All materials shall be subject to security inspections by the staff and shall be routed through the Shift Supervisor for logging and distribution.

603.7 IN PROPRIA PERSONA (PRO SE) INMATES

Inmates may be granted pro se status by court order only. Any time a court order is received designating an inmate as having been granted pro se status, all relevant records systems at the facility shall be updated to reflect this information. A copy of the court order shall be maintained in the inmate's file in accordance with established records retention schedules.

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The court may, but is not required to, appoint to an inmate who is designated pro se a back-up attorney, paralegal, or other person to assist the inmate with legal research. All information related to appointed assistants should be recorded in the relevant facility records.

Any provision of legal materials shall be in accordance with court directives and in consultation with the Prosecuting Attorney.

603.7.1 PRO SE STATUS MISUSE

Any inmate who is granted pro se status and is found to be misusing or abusing that status to the extent that it poses a demonstrable threat to the safety and security of the facility shall be immediately reported to the Chief Deputy of Corrections. The Chief Deputy of Corrections may recommend the suspension or a limitation of the inmate's pro se privileges if they adversely affect the safety and security of the correctional facility.

Upon the concurrence with the findings and recommendation of the Chief Deputy of Corrections, Sheriff or the authorized designee shall consult with the Office's legal counsel prior to notifying the court of any intent to limit the described pro se privileges.

The inmate may petition the court if he/she is dissatisfied with the action taken.

603.7.2 PRO SE STATUS - MATERIALS AND SUPPLIES

Unless otherwise ordered by the court, the Office shall have no obligation to supply materials beyond those listed above. Replacement of any of the listed items shall be accomplished through a written request to the Shift Supervisor or the authorized designee. Supplies provided by a court legal liaison will be received and distributed by the Shift Supervisor or the authorized designee. All supplies distributed to the inmate will be recorded in the inmate's pro se activities record. Supplies not listed in this policy are subject to approval by the Chief Deputy of Corrections or the authorized designee.

Access to ballpoint pens, for signature purposes only, will be provided through a supervisor. The use of the pen will be supervised by the staff and taken from the inmate immediately after its use.

Copies of an inmate's final legal (criminal case) work product, upon the inmate's request, may be provided subject to arrangements with the court.

Inmates may purchase their own legal books and materials. However, such materials will be subject to safety inspection and rules pertaining to items permitted to be in the inmate's possession. Personal books must be marked with the inmate's name and booking number.

Any books or materials found in the inmate's possession beyond what is authorized will be returned or placed in the inmate's property.

603.7.3 PRO SE INMATES TELEPHONE USAGE

Pro se inmates may use the telephones in their housing areas to place calls concerning their cases. Court-authorized pro se telephone calls shall not be monitored and shall be provided without

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charge to the inmate in accordance with the orders of the court (see the Inmate Telephone Access Policy).

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